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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,772	03/08/2005	Andreas Rinke	41653-210807	2214
26694	7590	04/30/2007		
VENABLE LLP			EXAMINER	
P.O. BOX 34385			DESAI, HEMANT	
WASHINGTON, DC 20043-9998				
			ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
			04/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/526,772

Applicant(s)

RINKE ET AL.

Examiner

Hemant M. Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/05 &amp; 1/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Hemming et al. (3485208).

Hemming et al. disclose a method for producing filters in the tobacco-processing industry comprising delivering filter rods (2, fig. 1) to form a group of filter segments, and introducing a medium (see col. 3, lines 26-35) to the filter rods before completion of the delivering step.

Regarding claim 19, Hemming et al. disclose that the method comprising step of delivering additional filter rods to the formed group of filter segments.

Regarding claim 20, Hemming et al. disclose that the method comprising the step of cutting the filter rods into filter segments after the injecting step (see col. 6, lines 28-34).

Regarding claim 21, Hemming et al. disclose that the delivering step includes transporting the filter rods from a magazine (1, fig. 1) to a module and introducing the medium in the filter rods during the transporting step.

Regarding claim 22, Hemming et al. disclose that the medium is introduced to the filter rods while the filter rods are positioned on a conveying drum (3, fig. 1).

Regarding claim 23, Hemming et al. disclose that the filter rods are held in place before the medium is introduced.

Regarding claim 24, Hemming et al. disclose that a predetermined amount of the medium is introduced (see col. 4, lines 1-4).

Regarding claim 25, Hemming et al. disclose that the medium is introduced by an element for injecting the filter rod to the outside of the filter rod.

Regarding claim 26, Hemming et al. disclose that the element is an injection needle (30-33, fig. 2).

Regarding claim 27, Hemming et al. disclose that the medium is introduced parallel to the longitudinal axial direction of the filter rods.

Regarding claim 28, Hemming et al. disclose that the medium is introduced into at least one hollow space in a multi-filter segment.

Regarding claim 29, Hemming et al. disclose a module, wherein filter rods (2, fig. 1) can be delivered to form a group of filter segments and a device (13-16, 30-33, fig. 2) is provided for introducing a medium into the filter rods.

Regarding claim 30, Hemming et al. disclose the module comprises a device for introducing a medium into filter rods, and a cutting device for cutting the filter rods into filter segments (see col. 6, lines 28-32).

Regarding claim 31, Hemming et al. disclose that the device forms a part of a conveying means comprising a conveying drum (3).

Regarding claim 32, Hemming et al. disclose that the module comprises a holding element (34, fig. 1) for holding the filter rods against the operating drum.

Regarding claim 33, Hemming et al. disclose that the device comprises a spray needle (30-33, fig. 2) for introducing the medium to the filter rods.

Regarding claim 34, Hemming et al. disclose that the injection element is subjected to pressure by a compressed-air piston (14, fig. 1).

Regarding claim 35, Hemming et al. disclose that a metering device is provided (see col. 4, lines 1-3) for the medium.

Regarding claim 36, Hemming et al. disclose a filter maker in the tobacco-processing industry.

Regarding claim 37, Hemming et al. disclose that the additional filter rods are delivered to the group of formed filter segments.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

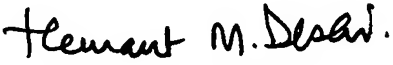
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMD

  
HEMANT M. DESAI  
PRIMARY EXAMINER